

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 C.Q., :  
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 Plaintiff, :  
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 -against- :  
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 ESTATE OF DAVID ROCKEFELLER et :  
 al., :  
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 Defendants. :  
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| ELECTRONICALLY FILED   |
| DOC #:                 |
| DATE FILED: 12/10/2020 |

**ORDER****VERNON S. BRODERICK, United States District Judge:**

On December 1, 2020, Plaintiff filed its First Amended Complaint, later marked as a deficient pleading by the Clerk of Court. (Doc. 23.) On December 2, 2020, I ordered Defendants to file a letter within seven (7) days indicating whether their pending motion to dismiss Plaintiff's initial complaint, (Doc. 20), should be deemed moot without prejudice to refile a new motion to dismiss or if I should evaluate that existing motion to dismiss with regard to the allegations in the amended complaint, (Doc. 26.) On December 9, 2020, Defendants requested that I deem their pending motion to dismiss moot, indicating that they would file a new motion to dismiss to address the allegations in Plaintiff's First Amended Complaint. (Doc. 27.) Defendants represent that “[t]he parties are currently discussing service and a briefing schedule.” (*Id.*) Accordingly, it is hereby:

ORDERED that Plaintiff shall re-file its First Amended Complaint on or before December 14, 2020, to address any deficiencies raised by the Clerk of Court.

IT IS FURTHER ORDERED that Defendants' request that their pending motion to dismiss the initial complaint be deemed moot without prejudice is GRANTED.

IT IS FURTHER ORDERED that the parties shall file a joint proposed briefing schedule for any motion to dismiss that Defendant intends to file regarding the First Amended Complaint by December 18, 2020.

The Clerk is directed to terminate the open motion at Document 20.

SO ORDERED.

Dated: December 10, 2020  
New York, New York

  
Vernon S. Broderick  
United States District Judge